

I hereby certify that this correspondence is being sent by facsimile

transmission to:

Assistant Commissioner for Patents
Washington, DC 20231

On DECEMBER 19, 2001

TOWNSEND and TOWNSEND and CREW LLP

By: Nancy Pizzo
NANCY PIZZO

PATENT

Atty. Docket No. : 19916-004300

Client Ref. No. 0010D-US

RECEIVED

FEB 6 2002

TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

EMPEDOCLES et al.

Application No.: 09/827,027

Filed: April 5, 2001

For: Two-Dimensional Spectral Imaging
System

Examiner: TRAN, M.

Art Unit: 1641

**RESPONSE TO RESTRICTION
REQUIREMENT**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement mailed on November 6, 2001, Applicants elect to prosecute claims 1-19 of Group I, drawn to an imaging system, with traverse.

Applicants traverse the restriction requirement regarding the separation of claim 20 into Group II. Claim 20 is a more detailed independent claim reciting elements similar to selected elements of, for example, dependent claims 9 (reciting a sensor and diffractor), 13 (reciting a label position indicator), and 18 (reciting an analyzer). As the Examiner will already be burdened with searching and examination of these elements when reviewing patentability of claims 1-19, concurrent examination of claim 20 can be made without serious burden. [See § 803 of the MPEP ("There must be a serious burden on the examiner if restriction is required")]. Therefore, claim 20 should be included with Group I .

Applicants do not traverse the present Restriction Requirement in so far as it requires the cancellation of claims 21-57 from the present application. However, Applicants note that the proposed grouping of claims 21-57 into 10 distinct groups on pages 2-3 of the Restriction Requirement includes additional examples of more detailed independent claims being separated from broader related claims. For the Examiner's convenience in addressing subsequently filed divisional applications, Applicants propose the following alternative sets of claims:

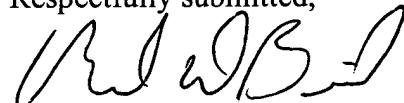
Proposed Group I. Claims 1-20
Proposed Group II. Claims 21-28
Proposed Group III. Claims 29-40
Proposed Group IV Claims 41-43
Proposed Group V Claim 44
Proposed Group VI Claims 45-53
Proposed Group VII Claims 54 and 55
Proposed Group VIII Claims 56 and 57.

If the Examiner has any questions regarding these proposed sets of claims, or regarding claims 1-20, the Examiner is encouraged to call Applicant's representative as identified below.

CONCLUSION

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (650) 326-2400.

Respectfully submitted,



Mark D. Barrish
Reg. No. 36,443

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200 / Fax: (415) 576-0300
MDB:nap
PA 3186416 v1